

III. REMARKS

Claims 1-20 are pending in this application. By this amendment, claims 1, 10, 15 and 18 have been amended. Applicants are not conceding in this application that those claims are not patentable over the art cited by the Office, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the subject matter. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1, 4 and 13 are requested under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. Claims 1-2, 9-11, 14-16 and 18-20 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Okano *et al.* (U.S. Patent Pub. No. 2002/0062485 A1), hereafter “Okano,” in view of Aoyama *et al.* (U.S. Patent Pub. No. 2003/0199265 A1), hereafter “Aoyama.” Claims 3-7, 12-13 and 17 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Okano in view of Aoyama and further in view of Matsuda (U.S. Patent Pub. No. 2002/0133573 A1), hereafter “Matsuda,” and further in view of Poger (U.S. Patent No. 6,772,420 B1), hereafter “Poger.”

Applicants thank the Examiner for the telephone interview of October 9, 2008, with their representative, Hunter E. Webb. No proposed amendment was submitted in advance of the interview. In the interview, Applicants’ representative discussed features of the claimed invention that Applicant asserts are not disclosed by the cited references, including those features included

included in the above claims as amended and the alleged negative limitations in the claims. The Examiner suggested some language that might be used to amend the claims, and Applicants have incorporated the Examiner's suggestions herein. No agreement was reached.

A. REJECTION OF CLAIMS 1, 4 AND 13 UNDER 35 U.S.C. §112, FIRST PARAGRAPH

The Office has objected to claims 1, 4 and 13 as allegedly not satisfying the written description requirement. Specifically, the Office objects to the alleged use of allegedly negative limitations in the claims, e.g., "unrelated to a network address, mobile phone number or host name of the device." Applicants respectfully submit that the limitation is not a negative limitation but is rather a positive recitation of the character of the device identifier. This limitation is supported, *inter alia*, by the examples of device identifiers in the DEV ID field in the table of Fig. 7, none of which is related to a network address, mobile phone number or host name of the respective devices. Accordingly, Applicants respectfully submit that the claims satisfy the written description requirement and request that the Office withdraw its rejections.

B. REJECTION OF CLAIMS UNDER 35 U.S.C. §103(a)

With regard to the 35 U.S.C. §103(a) rejection over Okano in view of Aoyama, Matsuda and/or Poger, Applicants assert that the cited references fail to teach or suggest each and every feature of the claimed invention. For example, Applicants submit that the cited references fail to teach or suggest that the device identifier is dynamically created by the server and allocated by the server in response to the request. In contrast, the references cited by the Office use DHCP (i.e., a protocol that uses a limited number of addresses for a large number of devices) and the addresses

addresses are drawn from a pre-existing pool that are not created by the server. The Office states that DHCP dynamically generates one of any number of IP addresses from a pool and prevents duplicate addresses. Even assuming, *inter alia*, this to be the case, DHCP merely allocates addresses from a pre-existing pool and does not dynamically create them. Furthermore, the addresses are reused among various devices and, as such are not always associated with the same device after they have been allocated. Accordingly, Applicants respectfully request withdrawal of the rejection.

Furthermore, with respect to independent claim 1, Applicants continue to submit that the cited references fail to teach or suggest that the device identifier is unrelated to a network address, mobile phone number or host name of the device. Rather, the cable box in Okano is assigned a DHCP address. To this extent, the address that is assigned in Okano is a network address. The claimed invention, in contrast, precludes assigning of a network address. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

With respect to dependent claims 4 and 13, Applicants continue to assert that the cited references also fail to teach or suggest that the correlation data includes a device type that is not the manufacturer and user data. In contrast, none of the references cited by the Office teaches or suggests this limitation. Accordingly, Applicants respectfully request that the Office withdraw these rejections.

With respect to the Office's other arguments regarding dependent claims, Applicants herein incorporate the arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicants submit that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of

feature of the claimed invention, Applicants respectfully request withdrawal of this rejection.

IV. CONCLUSION

In addition to the above arguments, Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

/Hunter E. Webb/

Date: November 20, 2008

Hunter E. Webb
Reg. No.: 54,593

Hoffman Warnick LLC
75 State Street, 14th Floor
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)